

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

JOHN HARTSOE,

Plaintiff,

vs.

ORDER ISSUED by DECEASED
JUDGE C.B. MCNEIL, ISSUED on
AUGUST 29, 2011,

Defendants.

CV 20-89-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on October 21, 2020 (Doc. 3). Judge Johnston recommended that Defendants' complaint (Doc. 1) should be DISMISSED for lack of subject matter jurisdiction, and that the Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. Defendant filed a notice of "non-consent" (Doc. 4) as well as a response to Magistrate Judge Johnston's Findings and Recommendations (Doc. 5) that this Court will interpret as an objection.

The Court reviews de novo those Findings and Recommendations to which a party timely objected. 28 U.S.C. § 636(b)(1). The Court reviews for clear error the portions of the Findings and Recommendations to which the party did not

specifically object. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Where a party's objections constitute perfunctory responses argued in an attempt to engage the district court in a reargument of the same arguments set forth in the original response, however, the Court will review the applicable portions of the findings and recommendations for clear error. *Rosling v. Kirkegard*, 2014 WL 693315 *3 (D. Mont. Feb. 21, 2014) (internal citations omitted).

Defendant's objections advance the same arguments that he raised before. The Court will not engage in Defendant's attempt to reargue the same issues. The Court reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error. Federal district courts do not have appellate jurisdiction over state court judgments.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 3) are **ADOPTED IN FULL**.

DATED this 10th day of November, 2020.



Brian Morris, Chief District Judge
United States District Court